

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATALIE JOHNSON,

Plaintiff,

ORDER

v.

19-cv-760-wmc

C.R. BARD INC. and
BARD PERIPHERAL VASCULAR INC.,

Defendants.

Before the court is the parties' request for ruling on objections to certain deposition designations as to Abithal Raji-Kubba.

DEPONENT	PL AFFIRM	DEF OBJECTIONS	PL RESPONSE TO OBJECTIONS	COURT RULING
Raji-Kubba, Abithal 07/18/2016		Bard objects to Plaintiff's references to "Admitted in the Peterson case" as a basis for allowing a designation to played, or overruling an objection, and submits that the testimony should be consider based on the facts and applicable law and rulings in this case. The Peterson case involved a different filter, different claims, and was decided under different state law.		

Raji-Kubba, Abithal 07/18/2016	9:07-9:10		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	14:01-14:13		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	75:09-77:03		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	77:13-77:14		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	78:13-79:05		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	79:17-79:24		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	80:02-80:04		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	80:08-80:13		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	98:03-98:08		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	115:01- 115:09	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED

Raji-Kubba, Abithal 07/18/2016	115:13- 115:18	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	116:02- 117:14	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	117:16- 117:21	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	129:14- 130:07		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	131:23- 132:11	Cumulative of testimony of several witnesses	Admitted in Peterson The defendants have not identified the witnesses or testimony thebase this objection upon. The testimony is not needlessly presenting cumulative evidence.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	160:04- 160:06		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	161:22- 161:23		Admitted in Peterson	

Raji-Kubba, Abithal 07/18/2016	162:02- 162:11		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	162:16- 163:03		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	167:11- 168:02		Admitted in Peterson	
Raji-Kubba, Abithal 07/18/2016	204:12- 204:21	Rules 401, 402 and 403. Relates to Recovery filter only.	Admitted in Peterson The witness was a recipient of the document and her testimony establishes her knowledge of the subject matter therein.	SUSTAIN
Raji-Kubba, Abithal 07/18/2016	204:25- 205:19	Rules 401, 402 and 403. Relates to Recovery filter only.	Admitted in Peterson The witness was a recipient of the document and her testimony establishes her knowledge of the subject matter therein.	SUSTAIN
Raji-Kubba, Abithal 07/18/2016	205:21- 206:04	Rules 401, 402 and 403. Relates to Recovery filter only.	Admitted in Peterson The witness was a recipient of the document and her testimony establishes her knowledge of the subject matter therein.	SUSTAIN
Raji-Kubba, Abithal 07/18/2016	227:20- 227:23 Beginging with "Was"		Admitted in Peterson	
DEPONENT	DEF COUNTER	PL OBJECTIONS	DEF RESPONSE TO OBJECTIONS	COURT RULING
Raji-Kubba, Abithal 07/18/2016	18:10-20:08 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective	OVERRULED

		<p>same time".</p> <p>Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.</p>	<p>designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.</p>	
<p>Raji-Kubba, Abithal 07/18/2016</p>	<p>77:15-78:12</p> <p>For Completeness</p>	<p>FRE 106 only requires completeness that "in fairness ought to be considered at the same time".</p> <p>Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.</p>	<p>This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.</p>	<p>OVERRULED</p>
<p>Raji-Kubba, Abithal 07/18/2016</p>	<p>79:06-79:16</p> <p>For Completeness</p>	<p>FRE 106 only requires completeness that "in fairness ought to be considered at the same time".</p> <p>Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.</p>	<p>This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.</p>	<p>OVERRULED</p>
<p>Raji-Kubba, Abithal 07/18/2016</p>	<p>89:13-89:15</p> <p>For Completeness</p>	<p>FRE 602; calls for speculation</p> <p>FRE 106 only requires completeness that "in fairness ought to be considered at the same time".</p> <p>Defendants have not demonstrated why this testimony, in the</p>	<p>This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or</p>	<p>SUSTAIN</p>

		name of fairness, must be considered at the same time as Plaintiff's designation.	document with which that witness has no or limited personal knowledge.	
Raji-Kubba, Abithal 07/18/2016	115:10- 115:12 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	115:19- 116:01 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	117:22- 118:05 For Completeness	Non-responsive FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge. Moreover, designated	OVERRULED

			testimony is directly responsive and attempts to explain witness' answer to counsel's question regarding whether electropolishing makes the surface safer.	
Raji-Kubba, Abithal 07/18/2016	168:09- 168:12 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	169:16- 170:03 For Completeness	Hearsay;FRE 602 FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge. Testimony does not reference any out of court statement and even if it did, in this context, any such statement would not be offered to prove the truth of the matter asserted.	OVERRULED

Raji-Kubba, Abithal 07/18/2016	174:16- 176:12 For Completeness	Non-responsive FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge. This testimony also is responsive to the question, and attempts to provide a robust answer to Plaintiff's counsel's attempt to characterize the contents of a document.	OVERRULED
Raji-Kubba, Abithal 07/18/2016	178:02- 178:10 For Completeness	FRE 106 only requires completeness that "in fairness ought to be considered at the same time". Defendants have not demonstrated why this testimony, in the name of fairness, must be considered at the same time as Plaintiff's designation.	This testimony is necessary to provide a complete picture of the witness' background, place Plaintiff's selective designation of lines of questioning in proper context, and/or demonstrate the Plaintiff is attempting to elicit testimony from a witness about a subject or document with which that witness has no or limited personal knowledge.	OVERRULED

Accordingly, IT IS ORDERED that the parties' request for rulings on objections to certain designations is GRANTED, and the objections are sustained in part and overruled in part as provided above.

Entered this 5th day of June, 2021.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge